

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

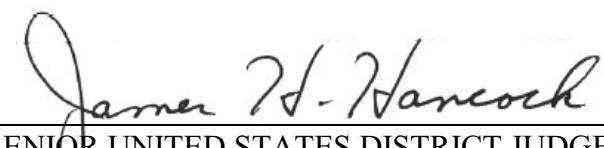
MICKEY L. LONG )  
                    )  
                    )  
v.                  ) CV. NO. 09-H-8021-S  
                    ) CR. NO. 05-H-327-S  
UNITED STATES OF AMERICA         )

MEMORANDUM OF OPINION

The magistrate judge filed findings and recommendation (doc. #6) on October 15, 2009 recommending that the motion to vacate be dismissed as untimely. On October 30, 2009 Mr. Long filed objections (doc. #7) to the findings and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections filed by the Long, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the objections are due to be OVERRULED and motion to vacate is due to be DISMISSED as untimely. A Final Judgment will be entered.

As to the foregoing it is SO ORDERED this the 9th day of November, 2009.

  
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SENIOR UNITED STATES DISTRICT JUDGE